

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-227-1F

NO. 5:09-CR-227-2F

UNITED STATES OF AMERICA)
)
 v.)
)
THOMAS RAY NICHOLS)
CHARLES RAY HAWKS, JR.)

FINAL ORDER OF FORFEITURE

WHEREAS, on January 22, 2010, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 18 U.S.C. § 981(a)(1)(C) (as made applicable by Title 28, United States Code, Section 2461(c)), based upon the defendant, Thomas Ray Nichols, pleading guilty to 18 U.S.C. § 2314; and, the defendant, Charles Ray Hawks, Jr., pleading guilty to 18 U.S.C. §§ 2314 and 1957, and 21 U.S.C. §§ 331(a) and 351(a)(2)(B), and both defendants agreeing to the forfeiture of the property listed in the January 22, 2010 Preliminary Order of Forfeiture, to wit:

(A) personal property seized from Charles Ray Hawks, Jr. d/b/a Hawks Trading Company on August 7, 2007, consisting of several thousand assorted individually packaged items of over-the-counter medication such as, but not limited to, Advil, Prilosec, Motrin, Aleve, Pepcid, Zantac, and Tylenol, with a retail value of at least \$85,765.00;

(B) personal property seized from Thomas Ray Nichols on May 24, 2007, consisting of several thousand assorted individually packaged items of over-the-counter medication such as, but not limited to, Advil, Prilosec, Motrin, Aleve, Pepcid, Zantac, and Tylenol, with a retail value of at least \$40,000;

(C) A 2007 Ford F-150 truck, VIN: 1FTRF122X7NA03205;

(D) A 2005 Westco Trailer, VIN: 1W7B2282851006856;

(E) A 2005 Bennington FS25 Sedona Pontoon Boat - Hull Number ETW37617E505;

(F) A 2001 Chevy Astro Van, VIN: 1GNDM19W51B142506; and

(G) A 2000 Chevy S-10 truck, VIN: 1GCCS14W9YK102666.

Substitute Assets

(H) A 1999 GMC Sierra Truck, VIN: 2GTEC19T1X1502739, titled to Thomas Ray Nichols,

(I) Branch Banking and Trust Account NO. XXXXXX5818,

(J) Branch Banking and Trust Account No. XXXXXX2510, and

(K) Branch Banking and Trust Account No. XXXXXX8472;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between February 11, 2010 and March 12, 2010, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. Said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of

the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for the property described in this Court's January 22, 2010 Preliminary Order of Forfeiture, other than those specifically mentioned herein;

AND WHEREAS, the United States requested that the over-the-counter (OTC) drugs listed in ¶¶ (A) and (B) above be released from this action. The Federal Bureau of Investigation has advised that it's agency will be returning the OTC drugs to the corporate victims in this action.

It is HEREBY ORDERED, ADJUDGED and DECREED:

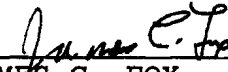
1. That the OTC drugs listed in ¶¶ (A) and (B) are released from this action.

2. That the remaining property listed in the January 22, 2010 Preliminary Order of Forfeiture is hereby forfeited to the United States. That the United States Department of Justice is directed to dispose of the property according to law.

3. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this
Order to all counsel of record.

SO ORDERED this ~~22nd~~ day of June, 2010.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE